

Top 10 State Issues for Proposed Plan

Version 2/8/16

Number	Topic	State Leads*	EPA Leads*	Description	Status	Schedule
1	Operable Units	Kevin Gary Paul	Cami Lori Cyndy	Designate OUs to increase implementability – specify OUs in Proposed Plan.	<p>(KP 1/27) Bill will facilitate three track process addressing legal and technical issues and employing “as if” choices.</p> <p>(KP 2/8) Kevin and Cami held facilitated technical mtg on 1/22 and non-facilitated legal mtg with EPA and OR DOJ attorneys on 1/29. Next steps are for Cami to present EPA alternative to OUs, Cami identify OU data concerns, Kevin present potential RD/RA sequencing, and Cami/Kevin meet with allocator to determine impact of OUs on allocation. Bill will facilitate Seattle mtg with Cami and Kevin on 2/24.</p>	Resolve by 3/1 (50% complete)
2a	Schedule	Kevin Sarah	Davis Sean	Need detailed schedule identifying key milestones for issuance of a Dec 2016 ROD and check-in points with the State. Include schedule and process for State making concurrence determination.	(KP 2/8) EPA provided initial schedule at 1/21 team meeting.	100% complete
2b	Outreach	Sarah Nina Kevin	Marianne Mark Alanna	Need written plan for early and extensive outreach between now and end public comment period on the Proposed Plan.	<p>(KP 1/27) Pre-PP plan is mostly complete. EPA to work with City and DEQ.</p> <p>(KP 2/8) Comprehensive Pre-PP schedule has been developed, with EPA/DEQ meeting assignments.</p>	100% complete (thru pre-PP)

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3	Cost	Kevin Sarah	Davis Sean	Revise cost estimate in consideration of DEQ's prior recommendations for cost reduction and comment #10 below regarding Arkema NAPL interpretation.	(KP 1/27) DEQ will independently validate EPA's cost estimate with input from with Sean and CDM. (KP 2/8) Sean, Kevin, Sarah, CDM held mtgs on 1/28 and 1/29. Key changes are EPA to replace ex situ thermal with quick lime treatment and EPA to not assume NAPL at Arkema. EPA not planning to change approach in consideration of vertical profile and unlikely to change dredge/cap preference in intermediate area. Sean needs State determination of State-only pesticide question, which Matt is researching.	Resolve by 2/19 (80% complete, consensus likely, DEQ's independent cost estimate not on critical path)
4	SC Compliance & Recontamination	Matt Alex	Eva Sean	Need to agree on compliance criteria and points of compliance for GW and StW pathways. Also need definition of sediment recontamination that addresses both upland and in-water sources. Include in Proposed Plan.	(KP 1/27) DEQ-EPA focus discussion 1/21/16. (MM 2/8) DEQ & EPA teams met on Jan. 21. Consensus not reached on DW point of compliance and StW compliance criteria at end of pipe. Davis, Keith, Kevin held addnl mtgs. DEQ drafting memo documenting agreements and disagreements and recommendations to EPA by 2/10/16.	Resolve by 3/1 (80% complete, consensus unlikely)
5	Riverbanks & RAO9	Matt	Sean	Clarify whether "riverbank" includes beach areas. Also clarify utilization of RAO 9 PRGs in remedy selection	(MM 2/8) EPA reviewing Matt's summary of 1/29/2016 discussion with Sean Sheldrake.	Resolve by 3/1 (90% complete, consensus likely)

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				and integration with source control efforts.		
6	Institutional Controls	Kevin Sarah	Davis Sean	Minimize restrictions on river-related use of Harbor. E.g., RNAs should not restrict all navigation and river-related activities as was done with M&B and GASCO.	(KP 1/27) Need agreement on (KP 1/27) Generic IC for sediment cap. Need enough detail in PP for State to comment (SG 2/8) Meeting on ICs held 2/5 with Sean, Elizabeth, Kevin, OHA, and CDM. DEQ will provide EPA with proposed language by 2/12 for revised FS and PP.	Resolve by 3/1 (30% complete, consensus uncertain)
7	Fish Advisories	Kevin Mike Sarah Tom	Davis Elizabeth	Need plan describing effective use of fish advisories (see DEQ pages 16-18 comment on draft FS). Include concepts in Proposed Plan – flush out remaining details in ROD.	(KP 1/27) Need enough detail in PP for State to comment (SG 2/8) Meeting on ICs held 2/5 with Sean, Elizabeth, Kevin, OHA, and CDM. DEQ will provide EPA with proposed language by 2/12 for revised FS and PP. OHA preparing independent costs for fish advisory program for revised FS and PP to be provided to EPA by 2/19.	Resolve by 3/1 (20% complete, consensus uncertain)
8	Disposal Options and Impacts to State Transportation System	Tom Sarah	Davis Sean	Identify disposal options (e.g., upland sites) that incentivize use of barge and rail for bulk material transport. Include concepts in Proposed Plan. Flush out remaining details in ROD.	(KP 1/27) Need enough detail in PP for State to comment. (SG 2/8) Sarah to schedule coordination meeting with ODOT rep for week of 2/8.	Resolve by 3/1 (0% complete)
9	Surface vs Subsurface Contaminati	Kevin Sarah	Davis Sean	specify how SMAs will be delineated and under what conditions active remediation will be required in	(KP 1/27) Easily solvable. Need enough detail in PP for State to comment	Resolve by 3/1 (0% complete)

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	on in Delineating SMAs			areas where surfaced sediment is below RALs but subsurface sediment exceeds RALs – will decision tree be different for RD than in the FS for developing the preferred alternative – include decision tree in Proposed Plan.	(KP 2/8) Kevin, Sean, Davis will meet on 2/24 to discuss. Need to schedule prep meeting week of 2/15.	
10	NAPL and Hazardous Waste Interpretation at Arkema	Matt	Sean	Based on DEQ's review of the EPA FS and statements made to the NRRB, DEQ understands that EPA is assuming thermal treatment of dredged sediment adjacent to the Arkema site in its remedy cost estimates. The multiple phases of sediment investigation have not encountered sediment exhibiting NAPL saturated conditions that would warrant thermal treatment prior to management. The most significant observations have been the occasional sheen and product bleb. While it is possible that RD data or RA could encounter a pocket of heavily NAPL impacted sediment, DEQ suggests that EPA adaptively manage these potential circumstances rather than ascribe a large treatment cost associated with these sediments to the Portland Harbor remedy. Additionally, EPA correctly notes in the FS that the	(KP 1/27) Easily solvable. Need resolution before PP in order to finalize cost estimate. (KP 2/8) Sean, Kevin, Sarah, CDM held mtgs on 1/28 and 1/29. EPA agreed to not assume NAPL at Arkema for purpose of FS cost estimate. This will be confirmed during RD. Sean needs State determination of State-only pesticide question, which Matt is researching.	Resolve by 3/1 (90% complete)

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				sediment adjacent to the Arkema site containing DDX contains a state listed hazardous waste (pesticide residue). DEQ wants to be clear that land disposal of these sediments does not require treatment under Oregon Administrative Rules.		

***Primary lead**